

Senate File 2034 - Introduced

SENATE FILE 2034
BY DANDEKAR

A BILL FOR

1 An Act relating to the establishment of school district
2 policies to prevent and address incidents of dating
3 violence, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code Supplement 2009, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 59. *a.* Develop and distribute, by July 1,
4 2011, to all school districts a model dating violence policy
5 to assist school districts in developing policies for dating
6 violence reporting, response, and appropriate disciplinary
7 procedures.

8 *b.* Review and approve the grade level topics relating
9 to dating violence and healthy relationships in the health
10 curriculum required pursuant to section 256.11, subsection
11 4, and the curriculum standards required pursuant to section
12 256.11, subsection 5, paragraph "j".

13 Sec. 2. Section 256.11, subsection 4, Code Supplement 2009,
14 is amended to read as follows:

15 4. The following shall be taught in grades seven and
16 eight: English-language arts; social studies; mathematics;
17 science; health; age-appropriate and research-based human
18 growth and development; family, consumer, career, and
19 technology education; physical education; music; and visual
20 art. The health curriculum shall incorporate age-appropriate
21 dating violence education as specified in section 279.68,
22 subsection 6, and shall also include age-appropriate and
23 research-based information regarding the characteristics
24 of sexually transmitted diseases, including HPV and the
25 availability of a vaccine to prevent HPV, and acquired immune
26 deficiency syndrome. The state board as part of accreditation
27 standards shall adopt curriculum definitions for implementing
28 the program in grades seven and eight. However, this
29 subsection shall not apply to the teaching of family, consumer,
30 career, and technology education in nonpublic schools. For
31 purposes of this section, "age-appropriate", "HPV", and
32 "research-based" mean the same as defined in section 279.50.

33 Sec. 3. Section 256.11, subsection 5, paragraph j,
34 unnumbered paragraph 1, Code Supplement 2009, is amended to
35 read as follows:

1 One unit of health education which shall include personal
2 health; food and nutrition; environmental health; safety and
3 survival skills; consumer health; family life; age-appropriate
4 dating violence education as specified in section 279.68,
5 subsection 6; age-appropriate and research-based human growth
6 and development; substance abuse and nonuse; emotional and
7 social health; health resources; and prevention and control
8 of disease, including age-appropriate and research-based
9 information regarding sexually transmitted diseases, including
10 HPV and the availability of a vaccine to prevent HPV, and
11 acquired immune deficiency syndrome.

12 Sec. 4. NEW SECTION. **279.68 Dating violence prevention and**
13 **education policy.**

14 1. *Legislative findings.* The general assembly finds that
15 when a student is a victim of dating violence, the student's
16 academic life suffers and the student's safety at school
17 is jeopardized. The general assembly declares that all
18 students have a right to work and study in a safe, supportive
19 environment that is free from harassment, intimidation, and
20 violence. It is the intent of the general assembly that the
21 board of directors of each school district shall establish a
22 policy to create an environment free of dating violence and for
23 responding to incidents of dating violence, and shall provide
24 dating violence education to students, parents, staff, faculty,
25 and administrators in order to prevent dating violence and to
26 address incidents involving student dating violence.

27 2. *Definitions.* As used in this section, unless the context
28 otherwise requires:

29 a. "At school" means in a classroom on or immediately
30 adjacent to school premises; on a school bus or other
31 school-related vehicle; at an official school bus stop; or at
32 any school-sponsored activity or event whether or not it takes
33 place on school grounds.

34 b. "Dating partner" means any person, regardless of gender,
35 involved in an intimate relationship with another primarily

1 characterized by the expectation of affectionate involvement
2 whether casual, serious, or long-term.

3 *c. "Dating violence"* means a pattern of behavior pursuant
4 to which a person uses threats of, or actually uses, physical,
5 sexual, verbal, or emotional abuse to control the person's
6 dating partner.

7 3. *Policy.* By December 1, 2011, the board of directors
8 of each school district shall establish a specific policy to
9 address incidents of dating violence involving students at
10 school. Each school district shall verify compliance with this
11 section with the department of education on an annual basis
12 through the comprehensive school improvement plan submitted
13 pursuant to section 256.7, subsection 21.

14 *a.* The policy shall include but not be limited to a
15 statement that dating violence will not be tolerated, dating
16 violence reporting procedures, guidelines for responding
17 to at-school incidents of dating violence, and discipline
18 procedures specific to such incidents.

19 *b.* To ensure notice of the school district's dating violence
20 policy, the policy shall be published in any school district
21 policy or handbook that sets forth the comprehensive rules,
22 procedures, and standards of conduct for students at school.

23 4. *Training.* The board of directors of each school
24 district shall provide for dating violence training for all
25 administrators, teachers, nurses, and mental health staff at
26 the middle and high school levels by December 1, 2011, and
27 yearly thereafter to all newly hired administrators, teachers,
28 nurses, and mental health staff. Upon the recommendation of an
29 administrator, other staff may be included or may attend the
30 training on a volunteer basis. The dating violence training
31 shall include but not be limited to basic principles of
32 dating violence, the warning signs of dating violence, and the
33 school district's dating violence policy, to ensure that those
34 receiving the training are able to appropriately respond to
35 incidents of dating violence at school.

1 5. *Notification of policy.* The board of directors of each
2 school district shall inform the students' parents or legal
3 guardians of the school district's dating violence policy. If
4 requested, the school district shall provide the parents or
5 legal guardians with the school district's dating violence
6 policy and relevant information. The board of directors of
7 each school district is strongly encouraged to provide parent
8 awareness training.

9 6. *Health curriculum and standards.* The board of directors
10 of each school district shall incorporate dating violence
11 education that is age-appropriate into the health curriculum
12 and curriculum standards for students in grades seven
13 through twelve which are required pursuant to section 256.11,
14 subsection 4, and section 256.11, subsection 5, paragraph "j".

15 a. Dating violence education shall include but not
16 be limited to information on the definition of dating
17 violence, recognizing dating violence warning signs, and the
18 characteristics of healthy relationships.

19 b. Upon written request to the principal of the school of
20 attendance, a parent or legal guardian of a student, within
21 a reasonable period of time after the request is made, shall
22 be permitted to examine the dating violence education program
23 instruction materials at the school in which the student is
24 enrolled.

25 7. *Remedies and liability.* This section does not prevent
26 a victim from seeking redress under any other available law,
27 either civil or criminal. This section does not create or
28 alter any tort liability.

29 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
30 with section 25B.2, subsection 3, the state cost of requiring
31 compliance with any state mandate included in this Act shall
32 be paid by a school district from state school foundation aid
33 received by the school district under section 257.16. This
34 specification of the payment of the state cost shall be deemed
35 to meet all of the state funding-related requirements of

1 section 25B.2, subsection 3, and no additional state funding
2 shall be necessary for the full implementation of this Act
3 by and enforcement of this Act against all affected school
4 districts.

5 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
6 importance, takes effect upon enactment.

7 EXPLANATION

8 This bill requires school districts to adopt a dating
9 violence policy by December 1, 2011, provide dating violence
10 training to faculty and staff, and incorporate age-appropriate
11 dating violence education into the health curriculum and
12 standards for students in grades 7 through 12. The bill
13 also requires the director of the department of education to
14 develop and distribute to all school districts a model dating
15 violence policy by July 1, 2011, to assist school districts in
16 developing policies for dating violence reporting, response,
17 and appropriate disciplinary procedures; and to review and
18 approve the grade level topics relating to dating violence and
19 healthy relationships in the health curriculum required under
20 the state's education standards.

21 The bill includes the general assembly's finding that
22 dating violence causes a student's academic life to suffer
23 and jeopardizes the student's safety; the general assembly's
24 declaration that all students have a right to work and study in
25 a safe, supportive environment that is free from harassment,
26 intimidation, and violence; and the intent of the general
27 assembly that school districts shall establish a dating
28 violence policy and provide dating violence education to
29 students, parents, staff, faculty, and administrators.

30 The bill defines dating violence to mean a pattern of
31 behavior pursuant to which a person uses threats of, or
32 actually uses, physical, sexual, verbal, or emotional abuse
33 to control the person's dating partner. "Dating partner" is
34 defined as any person, regardless of gender, involved in an
35 intimate relationship with another primarily characterized

1 by the expectation of affectionate involvement whether
2 casual, serious, or long-term. "At school" means in a
3 classroom on or immediately adjacent to school premises, on
4 school-related vehicles, at an official school bus stop, or at
5 any school-sponsored activity or event.

6 The policy must include a statement that dating violence
7 will not be tolerated, dating violence reporting procedures,
8 guidelines for responding to at-school incidents of dating
9 violence, and discipline procedures specific to such incidents.
10 The policy must be published in any school district policy or
11 handbook.

12 The training must include the basic principles of dating
13 violence and the warning signs of dating violence to ensure
14 that those receiving the training are able to appropriately
15 respond to incidents of dating violence at school.

16 The school district must inform the students' parents or
17 legal guardians of the school district's dating violence policy
18 and, if requested, provide them with the policy and relevant
19 information. The bill strongly encourages school districts to
20 provide parent awareness training.

21 The health curriculum and standards must include
22 information on defining dating violence, recognizing dating
23 violence warning signs, and the characteristics of healthy
24 relationships.

25 The bill does not prevent a victim from seeking redress under
26 any other available law, and does not create or alter any tort
27 liability.

28 The bill may include a state mandate as defined in Code
29 section 25B.3. The bill requires that the state cost of
30 any state mandate included in the bill be paid by a school
31 district from state school foundation aid received by the
32 school district under section 257.16. The specification is
33 deemed to constitute state compliance with any state mandate
34 funding-related requirements of Code section 25B.2. The
35 inclusion of this specification is intended to reinstate the

S.F. 2034

1 requirement of political subdivisions to comply with any state
2 mandates included in the bill.

3 The bill takes effect upon enactment.